

mother came from St. Louis, MO, so I feel that I am particularly blessed by the presence of this Chaplain today.

#### SCHEDULE

Mr. WARNER. Mr. President, by previous order, the Senate will begin 30 minutes of debate on the Holbrooke nomination; that is, the Honorable Richard Holbrooke, to be Ambassador to the United Nations, with a vote to occur at approximately 10 o'clock today. Following disposition of the Holbrooke nomination, the Senate will resume consideration of the Interior appropriations bill with amendments expected to be offered and debated. In addition, when the Senate receives the tax reconciliation conference report from the House of Representatives, it is expected that the Senate will begin consideration of that legislation. Therefore, Senators should expect votes during the day and into the evening during today's session of the Senate.

I thank my colleagues for their attention.

That is from the distinguished majority leader, Mr. LOTT.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, leadership time is reserved.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider en bloc Executive Calendar Nos. 135 and 140, which the clerk will report.

#### DEPARTMENT OF STATE

The legislative clerk read the nomination of Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

The legislative clerk read the nomination of Richard Holbrooke, of New York, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations.

The PRESIDING OFFICER. Under the previous order, there now shall be 30 minutes of debate equally divided to be followed with the vote en bloc on the nominations.

The Senator from Virginia.

Mr. WARNER. Now, Mr. President, I thank the Senate leadership with respect to this nomination. It has been a unique one for various reasons. The elements of that uniqueness are well

known to my colleagues. I shall not speak in detail about the tradition of "holds" but I think much of the general public is somewhat perplexed about the procedures in the Senate.

There has been discussion as to the procedure on this nomination and the use of what is referred to as a "hold." There is a diversity of views within this body on the use of a "hold," but, in my judgment, it is an important and proper procedure utilized by Senators in conjunction with what I view as the balance of power established by the Constitution in the coequal branches of the Government: the executive branch, the power of nomination by the President, and the Senate and its power of advice and consent.

The use of the hold is an exercise of that balance of power between the two branches. In this instance, I thank the distinguished majority leader and, of course, the minority leader, and others who have worked to bring this nomination to this point where today the Senate will render its advice and consent on this very important nomination.

Mr. SARBANES. Will the Senator yield?

Mr. WARNER. Yes. I thank many other Senators who have worked with me—Senator HAGEL, Senator GRASSLEY, Senator VOINOVICH, and my distinguished colleague from Delaware, Mr. BIDEN who will be speaking momentarily. I yield for the comments of the Senator from Maryland.

Mr. SARBANES. Mr. President, I want to put a question to the Senator on the hold because I have been reading newspaper reports that I think have completely misinterpreted how the hold process operates. These reports have alleged that the Senate rules contain a provision that enables any Member of the Senate, in effect, to hold up action either on a nominee or on legislation and sort of that is that. That is not the case.

Mr. WARNER. Mr. President, the Senator is correct; it is tradition—

Mr. SARBANES. It is a courtesy that is extended to a Member when he places a hold. The leadership can move ahead if the Member is being recalcitrant. Of course, it is up to Members to exercise a hold with some self-restraint. They may get the extra time they need, but, in my judgement, it ought not to be used as a weapon that completely submerges the nomination or the legislation.

I interjected because I am very concerned. I have read a number of newspaper reports that seem to suggest that the rules of the Senate are such that any Member can simply place a hold on a nomination and preclude any action. That is not the case. It is a courtesy that has been extended to Members by the leadership, but the leadership can always move ahead if they determine it is an urgent matter. Of course, they try to work it out so Members are willing to have it come up. That is what has happened in this instance.

I particularly express my appreciation to the distinguished Senator from

Virginia for his efforts to try to move this matter forward.

Mr. WARNER. Mr. President, I thank my colleague from Maryland. He is quite accurate in his recitation of the rules of the Senate. This is by tradition. I suggest we not deal too much with what took place in the past on this nomination, but I felt that this RECORD this morning should reflect, for those who are following the nomination, my judgment with regard to the tradition of a Senator seeking a hold.

Again, it is part of that balance of power between the two branches. For example, Senator GRASSLEY, in his case, feels very strongly about the need to protect those individuals who are commonly referred to as whistleblowers. They should be protected. Senator GRASSLEY, after having talked with him many times, recognized the Holbrooke nomination is of importance, but he carefully evaluated his responsibility as one of those leaders in the Senate who have protected the rights of whistleblowers. That is behind us.

Many Senators have worked on this nomination. I express my appreciation again to the leadership and those Senators, particularly the Senator from Delaware.

The facts about this nominee are well known. I have known him personally for a number of years. I have watched his distinguished career, and in the course of the morning, I will add some facts. But I want to yield the floor momentarily to my colleague from Delaware.

The point is that my concern about this nomination and its timeliness is because of the fact that we now have in Kosovo a force under the NATO Command of General Clark, Operation Joint Guardian. While we had hoped that this military operation would have had a smooth operational history, in fact it has encountered many unforeseen problems, problems where our troops and the troops of other nations had to perform all types of diverse duties. Many of these young men and women who are courageously participating in this operation have had no formal training in the military with respect to many of the responsibilities they are now undertaking.

The United Nations, under a force known as United Nations Mission in Kosovo, referred to as UNMIK, has had a very slow start getting organized and into the field to perform duties that are currently being performed by the NATO military.

One of the reasons for working to accelerate the consideration of this nomination is that in knowing Mr. Holbrooke and his forcefulness and his background, he, I believe, is better qualified than anyone else I know of today to take on this important post and to accelerate the functions of the United Nations in this region.

The sooner they get in, the less risk to the men and women of the Armed Forces currently undertaking many missions which they are doing quite